

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA  
3

4 IN RE: SOCIAL MEDIA ADOLESCENT  
5 ADDICTION/PERSONAL INJURY  
6 PRODUCTS LIABILITY LITIGATION

Case No. 4:22-md-03047-YGR

MDL No. 3047

7 This Document Relates to:  
8 BROWARD COUNTY SCHOOL BOARD,  
9 Plaintiff,  
10 vs.  
11 META PLATFORMS, INC., et al., Defendants.

**LOCAL GOVERNMENT AND SCHOOL  
DISTRICT MASTER SHORT-FORM  
COMPLAINT AND DEMAND FOR JURY  
TRIAL**

12 Member Case No.:  
13 4:23-cv-01061-YGR  
14

15 The Plaintiff(s) named below file(s) this *Short-Form Complaint and Demand for Jury Trial*  
16 against the Defendant(s) named below by and through their undersigned counsel. Plaintiff(s)  
17 incorporate(s) by reference the allegations, claims, and relief sought in *Plaintiffs' Master Local*  
18 *Government and School District Complaint* ("Master Complaint") as it relates to the named  
19 Defendant(s) (checked-off below), filed in *In Re: Social Media Adolescent Addiction/Personal*  
20 *Injury Products Liability Litigation*, MDL No. 3047, in the United States District Court for the  
21 Northern District of California. Plaintiff(s) file(s) this *Short-Form Complaint* as permitted by Case  
22 Management Order No 8.

23 Plaintiff(s) indicate(s) by checking the relevant boxes below the Parties and Causes of  
24 Actions specific to Plaintiff(s)' case.  
25  
26  
27  
28

Plaintiff(s), by and through their undersigned counsel, allege(s) as follows:

**I. DESIGNATED FORUM**

1. *For Direct Filed Cases:* Identify the Federal District Court in which the Plaintiff(s) would have filed in the absence of direct filing:

United States District Court of the Southern District of Florida

2. *For Transferred Cases:* Identify the Federal District Court in which the Plaintiff(s) originally filed and the date of filing:

**II. IDENTIFICATION OF PARTIES**

**A. PLAINTIFF(S)**

3. *Plaintiff(s):* Name(s) of the local government or school district alleging claims against Defendant(s):

The School Board of Broward County, Florida.

4. Number of schools served in the Plaintiff(s)' school district or local community:

There are approximately 332 schools in Broward County.

5. Number of minors served in the Plaintiff(s)' school district or local community:

There are approximately 290,000 children ages 5-17 in Broward County.

6. At the time of the filing of this *Short-Form Complaint*, Plaintiff(s) is/are a resident and citizen of [*Indicate State*]:

The State of Florida.

**B. DEFENDANT(S)**

7. Plaintiff(s) name(s) the following Defendant(s) in this action [*Check all that apply*]:

**META ENTITIES**

- ☒ META PLATFORMS, INC.,  
*formerly known as Facebook, Inc.*
- ☒ INSTAGRAM, LLC
- ☒ FACEBOOK PAYMENTS, INC.
- ☒ SICULUS, INC.
- ☒ FACEBOOK OPERATIONS, LLC
- ☒ FACEBOOK HOLDINGS, LLC
- ☒ META PAYMENTS INC.

**TIKTOK ENTITIES**

- ☒ BYTEDANCE LTD
- ☒ BYTEDANCE INC.
- ☒ TIKTOK LTD
- ☒ TIKTOK LLC
- ☒ TIKTOK INC.

**SNAP ENTITY**

- ☒ SNAP, INC.

**GOOGLE ENTITIES**

- ☒ GOOGLE, LLC
- ☒ YOUTUBE, LLC

**OTHER DEFENDANTS**

For each “Other Defendant” Plaintiff(s) contends are additional parties and are liable or responsible for Plaintiff(s)’ damages alleged herein, Plaintiff(s) must identify by name each Defendant and its citizenship, and Plaintiff(s) must plead the specific facts supporting any claim against each “Other Defendant” in a manner complying with the requirements of the Federal Rules of Civil Procedure. In doing so, Plaintiff(s) may attach additional pages to this *Short-Form Complaint*.

| NAME                       | CITIZENSHIP          |
|----------------------------|----------------------|
| Facebook Technologies, LLC | Delaware, California |
| Alphabet Inc.              | Delaware, California |
| XXVI Holdings Inc.         | Delaware, California |
| Discord Inc.               | Delaware, California |
| Mark Zuckerberg            | Hawaii, California   |

**III. CAUSES OF ACTION ASSERTED**

8. The following Causes of Action asserted in the *Master Complaint*, and the allegations with regard thereto, are adopted in this *Short-Form Complaint* by reference (*check all that are adopted*):

| Asserted Against <sup>1</sup>  | Count Number | Cause of Action (COA) |
|--|--------------|-----------------------|
| <input checked="" type="checkbox"/> Meta entities<br><input checked="" type="checkbox"/> Snap<br><input checked="" type="checkbox"/> TikTok entities<br><input checked="" type="checkbox"/> Google entities<br><input checked="" type="checkbox"/> Other Defendant(s) <sup>2</sup> | 1            | NEGLIGENCE            |
| <input checked="" type="checkbox"/> Meta entities<br><input checked="" type="checkbox"/> Snap<br><input checked="" type="checkbox"/> TikTok entities<br><input checked="" type="checkbox"/> Google entities<br><input checked="" type="checkbox"/> Other Defendant(s)              | 2            | PUBLIC NUISANCE       |

**NOTE**

If Plaintiff(s) want(s) to allege additional Cause(s) of Action other than those selected in paragraph 8, which are the Causes(s) of Action set forth in the *Master Complaint*, the facts supporting those additional Cause(s) of Action, must be pled in a manner complying with the requirements of the Federal Rules of Civil Procedure. In doing so, Plaintiff(s) may attach additional pages to this *Short-Form Complaint*.

**IV. ADDITIONAL CAUSES OF ACTION**

9. Plaintiff(s) assert(s) the following additional Causes of Action and supporting allegations against the following Defendants:

Violation of Florida's Deceptive and Unfair Trade Practices Act, §501.201, et seq. (Against All Defendants); Gross Negligence (Against All Defendants); and Fraudulent Misrepresentation and Concealment (Against All Defendants).

See Attachment A: SUPPORTING ALLEGATIONS REGARDING SHORT-FORM COMPLAINT AND DEMAND FOR JURY TRIAL.

<sup>1</sup> For purposes of this paragraph, "entity" means those Defendants identified in Paragraph 7 (*e.g.*, "TikTok entities" means all TikTok Defendants against which Plaintiff(s) is/are asserting claims).

<sup>2</sup> Reference selected "Other Defendants" by the corresponding row number in the "Other Defendant(s)" chart identified in Paragraph 7.

**WHEREFORE**, Plaintiff(s) pray(s) for relief and judgment against Defendants and all such further relief that this Court deems equitable and just as set forth in the *Master Complaint*, and any additional relief to which Plaintiff(s) may be entitled.

**JURY DEMAND**

Plaintiff(s) hereby demand a trial by jury as to all claims in this action.

\*\*\*\*

By signature below, Plaintiff(s)' counsel hereby confirms their submission to the authority and jurisdiction of the United States District Court of the Northern District of California and oversight of counsel's duties under Federal Rule of Civil Procedure 11, including enforcement as necessary through sanctions and/or revocation of *pro hac vice* status.

/s/ Aelish M. Baig

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# ATTACHMENT A

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[Additional counsel appear on signature page.]

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

In re SOCIAL MEDIA ADOLESCENT ) MDL No. 4:22-md-03047-YGR  
ADDICTION/PERSONAL INJURY )  
PRODUCTS LIABILITY LITIGATION )

This Document Relates To:

BROWARD COUNTY SCHOOL BOARD,  
Plaintiff,

vs.

META PLATFORMS, INC., et al.,  
Defendants.

Case No. 4:23-cv-01061-YGR

SUPPORTING ALLEGATIONS REGARDING SHORT-FORM COMPLAINT AND  
DEMAND FOR JURY TRIAL

**I. ADDITIONAL ALLEGATIONS**

1. Plaintiff incorporates by reference each and every allegation in the amended Complaint in *Broward County School Board v. Meta Platforms, Inc.*, No. 4:23-cv-01061-YGR (ECF 28).

**A. Additional Defendants**

2. Defendant Alphabet Inc. (“Alphabet”) is a Delaware corporation with its principal place of business in Mountain View, California. Alphabet is the sole stockholder of XXVI Holdings Inc.

3. Defendant XXVI Holdings Inc. is a Delaware corporation with its principal place of business in Mountain View, California. XXVI Holdings Inc. is a wholly-owned subsidiary of Alphabet and the managing member of Google LLC.

4. Defendant Meta Platforms, Inc.’s (“Meta” or “Company”) subsidiary, defendant Facebook Technologies, LLC (“Facebook Technologies”), was organized under the laws of the State of Delaware as “Oculus VR, LLC” on March 21, 2014 and acquired by Meta on March 25, 2014. Facebook Technologies develops Meta’s virtual and augmented reality technology, such as the Meta Quest line of services, among other technologies related to Meta’s platforms, and its principal place of business is in Menlo Park, California. Defendant Meta is the sole member of Facebook Technologies.

5. Defendant Mark Elliot Zuckerberg (“Zuckerberg”) is the Chief Executive Officer (“CEO”), board chair, and controlling shareholder of Meta. He is a resident of both California and Hawaii.

6. Defendant Discord Inc. (“Discord”) is a Delaware corporation. Its principal place of business is in San Francisco, California. Its primary product, a social media platform called Discord, was launched in 2015 and is widely available throughout the United States.

**B. Additional Allegations Regarding Defendant Mark Zuckerberg**

7. Plaintiff incorporates by reference each and every allegation against Zuckerberg and Meta included in Plaintiffs’ Second Amended Master Complaint (Personal Injury), No. 4:22-cv-0304-YGR (N.D. Cal.) (ECF 494) and the Attorneys’ General Complaint for Injunctive SUPPORTING ALLEGATIONS REGARDING SHORT-FORM COMPLAINT AND DEMAND FOR JURY TRIAL - 4:22-md-03047-YGR



1 and Other Relief against Meta in *People of the State of California v. Meta Platforms, Inc.*,  
 2 No. 4:23-cv-05448-YGR (N.D. Cal.) (ECF 73-2) (“AGs’ Complaint”).

3 8. Zuckerberg is Meta’s CEO, board chair, and controlling shareholder, and he is also  
 4 the founder of Facebook. In his role at Meta, Zuckerberg exercised outsized control over important  
 5 policy decisions related to youth safety at the Company’s social media platforms – Facebook, Inc.  
 6 (“Facebook”), Instagram LLC (“Instagram”), and Messenger (collectively, “Social Media  
 7 Platforms”). Zuckerberg maintained control of Facebook by instituting a non-traditional governance  
 8 model and has called it a “founder-led company.”<sup>1</sup> Zuckerberg has likewise claimed credit for  
 9 Instagram’s success since its acquisition. Zuckerberg told market analysts that Instagram “wouldn’t  
 10 be what it is without everything that we put into it, whether that’s the infrastructure or our  
 11 advertising model. . . .”<sup>2</sup>

12 9. Zuckerberg has long been aware that Facebook and Instagram are harmful to children,  
 13 in part because they are designed to foster compulsive use, provoke unhealthy social comparisons,  
 14 and have age verification systems that are easily bypassed. Beginning as early as 2014, Zuckerberg  
 15 has been presented with countless studies – from external advocates and Meta’s own researchers –  
 16 that his Social Media Platforms lead to negative mental and physical outcomes for kids.

17 10. Zuckerberg has consistently steered his Social Media Platforms away from policies  
 18 designed to reduce harm to its young users, such as vetoing a ban on cosmetic surgery filters and  
 19 declining to invest in efforts to prevent problematic use like moderating content surrounding self-  
 20 harm and suicide. Zuckerberg made these choices knowing that his Social Media Platforms harm  
 21 children, even after other Meta employees urged him to take action to protect children using these  
 22 platforms. Zuckerberg has made false claims that these platforms are safe to use by children even  
 23

24  
 25 <sup>1</sup> Mike Isaac & Leslie Picker, *Facebook Plans New Stock Class to Solidify Mark Zuckerberg’s*  
 26 *Control*, N.Y. Times (Apr. 27, 2016), <https://www.nytimes.com/2016/04/28/technology/facebook-q1-earnings.html?action=click&module=RelatedCoverage&pgtype=Article&region=Footer>.

27 <sup>2</sup> Salvador Rodriguez, *Mark Zuckerberg is adamant that Instagram should not be broken off from*  
 28 *Facebook*, CNBC (Oct. 30, 2019), <https://www.cnbc.com/2019/10/30/mark-zuckerberg-is-adamant-that-instagram-should-remain-with-facebook.html>.

1 though he is aware that the academic consensus and Meta's own research indicate that social media  
2 has a profoundly negative impact on youth.

3 11. Zuckerberg has knowingly directed the design of Facebook and Instagram to foster  
4 compulsive use and addiction. The amount of time users engage with the Social Media Platforms is  
5 a central metric Zuckerberg and the Company use to measure success. Nonetheless, Zuckerberg  
6 publicly denied that he directed the Social Media Platforms be designed to induce young users to  
7 spend ever-increasing amounts of time on the platforms.

8 12. In a December 2015 email, Zuckerberg listed one of Meta's goals for 2016 as seeing  
9 the "[t]ime spent [on the Social Media Platforms] increas[] by 12%" over the following three years.  
10 Zuckerberg wrote that he hoped to see time spent on Instagram increase by 10% between 2016 and  
11 2021.<sup>3</sup>

12 13. In February 2016, Zuckerberg sent an email to his executive team on "opportunities  
13 for teens and sharing."<sup>4</sup> Zuckerberg's email discussed how successful different platform features are  
14 at getting the attention of teenagers and keeping them engaged.

15 14. Sean Parker, founding president of Meta, explicitly acknowledged that Meta and  
16 Zuckerberg sought to addict users from Facebook's very founding:

17 The thought process that went into building these applications, Facebook being the  
18 first of them . . . was all about: "[h]ow do we consume as much of your time and  
19 conscious attention as possible?" That means that we need to sort of give you a little  
20 dopamine hit every once in a while, because someone liked or commented on a photo  
21 or a post or whatever. And that's going to get you to contribute more content and  
22 that's going to get you . . . more likes and comments. It's a social-validation  
23 feedback loop . . . exactly the kind of thing that a hacker like myself would come up  
24 with, because you're exploiting a vulnerability in human psychology. The inventors,  
25 creators – me, Mark [Zuckerberg], Kevin Systrom on Instagram, all of these people –  
26 understood this consciously. And we did it anyway.

27 <sup>3</sup> See AGs' Complaint §§57, 143. In an earnings call in 2016, Zuckerberg disclosed that users  
28 spend an average 50 minutes per day on the Facebook, Instagram, and Messenger platforms.  
James B. Stewart, *Facebook Has 50 Minutes of Your Time Each Day. It Wants More*, N.Y. Times  
(May 5, 2016), <https://www.nytimes.com/2016/05/06/business/facebook-bends-the-rules-of-audience-engagement-to-its-advantage.html>.

<sup>4</sup> Thomas Barrabi, *Meta exec Adam Mosseri wanted to 'upsell' Instagram to children under 13: lawsuit*, N.Y. Post (Feb. 5, 2024), <https://nypost.com/2024/02/05/business/meta-exec-adam-mosseri-wanted-to-upsell-instagram-to-children-under-13-lawsuit/>.

1           15. Meta’s algorithms also use artificial intelligence (“AI”) to keep users engaged.  
 2 Information in a user’s feed is not listed chronologically, but rather is provided via Meta’s  
 3 algorithms, which are AI systems that Meta uses “to decide what content appears, informed by the  
 4 choices [users] make.” These algorithms purportedly seek to “predict how valuable a piece of  
 5 content might be to” a user, based upon the user’s online activity, including whether the user  
 6 “share[d]” content, “like[d]” content, or otherwise engaged with content.<sup>5</sup> They often result in  
 7 harmful experiences for children.

8           16. Zuckerberg overrode concerns among Meta executives that the Company should ease  
 9 off heavy use of push notifications, on which Meta relied to boost engagement, especially among  
 10 teen users.<sup>6</sup> The notifications were internally thought to aggravate what the Company called  
 11 “problematic use.” However, one executive ended the debate when she noted that daily usage “is a  
 12 bigger concern for Mark right now than user experience.”<sup>7</sup>

13           17. Despite understanding the harms that prolonged use of social media has on children,  
 14 Zuckerberg made no attempts to make his products safe to use and, in fact, measured success based  
 15 on continued engagement.

16           18. Zuckerberg is aware that Social Media Platforms are harmful to children but  
 17 continues to be less than transparent about that in public discussions and Congressional hearings.

18           19. Zuckerberg has long been aware that Meta’s Social Media Platforms are harmful  
 19 especially for young users. In 2014, over 100 public-health advocates signed on to a letter<sup>8</sup> to  
 20  
 21

22 \_\_\_\_\_  
 23 <sup>5</sup> Nick Clegg, *How AI Influences What You See on Facebook and Instagram* (June 29, 2023),  
<https://about.fb.com/news/2023/06/how-ai-ranks-content-on-facebook-and-instagram/>.

24 <sup>6</sup> Jeff Horwitz, *Meta Designed Products to Capitalize on Teen Vulnerabilities, States Allege*, Wall  
 25 St. J. (Nov. 25, 2023), <https://www.wsj.com/business/media/meta-designed-products-to-capitalize-on-teen-vulnerabilities-states-allege-6791dad5>.

26 <sup>7</sup> *Id.*

27 <sup>8</sup> Campaign for a Commercial-Free Childhood, Letter to Mark Zuckerberg Re: Facebook  
 28 Messenger Kids (Jan. 30, 2018), <https://fairplayforkids.org/wp-content/uploads/archive/develop-gaw/FBMessengerKids.pdf>

1 Zuckerberg documenting that increased use of Facebook among 10- to 12-year-old girls was linked  
2 with body image concerns, the idealization of thinness, and increased dieting.<sup>9</sup>

3 20. In 2016, Zuckerberg attended a conference where a mother explained that “her  
4 daughter feels worse about herself after using Instagram.” After the event, a Meta researcher sent an  
5 email to Zuckerberg stating: “thought you’d be interested in some of the relevant research our team’s  
6 done on social comparison,” showing that “4% of feed stories trigger negative social comparison,”  
7 and “39% of Facebook users have felt negative social comparison in the past month.”

8 21. Likewise, in April 2019, Meta’s own researchers directly told Zuckerberg that passive  
9 consumption of social media content, including scrolling, browsing, and watching videos, is  
10 associated with negative effects on well-being.<sup>10</sup> The email to Zuckerberg noted that the three  
11 negative drivers that occur frequently on Facebook include problematic use, social comparison, and  
12 loneliness.<sup>11</sup>

13 22. In 2019 and 2020, Zuckerberg met with psychologist and leading expert Jonathan  
14 Haidt (“Haidt”), a New York University professor studying the effects of social media on teens’  
15 mental health. Haidt addressed his research “on the dramatic rise in rates of teenage anxiety,  
16 depression, and self-harm” and explained how the research on social media’s role “points heavily to  
17 a connection, not just from correlational studies but from true experiments, which strongly indicate  
18 causation, not just correlation.”<sup>12</sup>

19  
20  
21  
22  
23 <sup>9</sup> Marika Tiggemann & Amy Slater, *NetTweens: The Internet and body image concerns in*  
24 *preteenage girls*, 34(5), J. Early Adolesc. 606-620 (June 2014), <https://journals.sagepub.com/doi/epub/10.1177/0272431613501083>.

25 <sup>10</sup> Email from Nick Clegg to Mark Zuckerberg, Re: Well-being product strategy and tech  
26 headcount, Aug. 28, 2021, <https://www.blumenthal.senate.gov/imo/media/doc/13124meta documents.pdf>.

27 <sup>11</sup> *Id.*

28 <sup>12</sup> META3047MDL-003-00089174 at -176.

23. In 2021, a former Facebook employee and Meta consultant sent Zuckerberg and other executives an email warning that Instagram was not doing enough to protect children from harassment and other harms.<sup>13</sup> Zuckerberg never replied.

24. Zuckerberg consistently ignored pleas from employees to protect children.

25. Despite being educated on the harms his Social Media Platforms have on children, time and again Zuckerberg dismissed concerns from his own employees that Meta needed to take steps to safeguard minors from the negative impacts of social media.

26. Zuckerberg ignored pleas to ban cosmetic filters.

27. Zuckerberg vetoed extending a short-term ban on so-called cosmetic surgery filters that allow users to remove blemishes and otherwise alter their appearance. Zuckerberg was sent a memo detailing information provided to Meta from “21 independent experts around the world,” finding: “[t]hese extreme cosmetic surgery effects can have severe impacts on both the individuals using the effects and those viewing the images.” The experts warned Meta: “[c]hildren are particularly vulnerable” to these impacts, in addition to “those with a history of mental health challenges [and] eating disorders[.]”

28. The memo Zuckerberg received also included a review of academic research on the negative impact edited images have on viewers’ satisfaction with their own bodies. The researchers agreed “that these effects are cause for concern for mental health and wellbeing” but noted that banning the filters may have a “negative growth impact” on the Company. A follow-up report sent to Zuckerberg highlighted the disproportionate impact that filters have on children and teen girls.

29. A meeting with Zuckerberg and other Meta employees to decide whether Meta should permanently ban cosmetic filters was abruptly canceled. Instead, **Zuckerberg vetoed** extending the ban. Zuckerberg wrote that there was “clear[] demand” for the filters and dismissed any concerns as “paternalistic.” Ignoring the plethora of research that his employees provided to him, Zuckerberg falsely claimed that he had seen “no data” suggesting that the filters were harmful. After

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<sup>13</sup> Written Testimony of Arturo Bejar before the Subcommittee on Privacy, Technology, and the Law, Nov. 7, 2023, [https://www.judiciary.senate.gov/imo/media/doc/2023-11-07\\_-\\_testimony\\_-\\_bejar.pdf](https://www.judiciary.senate.gov/imo/media/doc/2023-11-07_-_testimony_-_bejar.pdf).

1 Zuckerberg’s final decision on the matter, Meta employee Gould Stewart wrote to Zuckerberg: “I  
 2 respect your call on this and I’ll support it, but want to just say for the record that I don’t think it’s  
 3 the right call given the risks . . . . I just hope that years from now we will look back and feel good  
 4 about the decision we made here.”<sup>14</sup>

5 30. Zuckerberg ignored pleas to invest in users’ well-being.

6 31. In April 2019, Zuckerberg again ignored an employee imploring him to invest in user  
 7 well-being on Instagram and Facebook. David Ginsberg (“Ginsberg”), then Meta’s Vice President  
 8 of Research, emailed Zuckerberg to recommend that Meta invest in users’ well-being because “there  
 9 is increasing scientific evidence (particularly in the US . . . ) that the average net effect of [Facebook]  
 10 on people’s well-being is slightly negative.”<sup>15</sup> Ginsberg explained that Meta has a “deep  
 11 understanding around three negative drivers that occur frequently on [Facebook] and impact  
 12 people’s well-being: [p]roblematic use . . . , [s]ocial comparison . . . , [and] [l]oneliness.”<sup>16</sup> Without  
 13 investment, Ginsberg warned, initiatives to combat these negative effects would not be fully staffed.  
 14 Meta’s leadership declined to take action.

15 32. Similarly, former Vice President of Global Affairs Nick Clegg (“Clegg”) told  
 16 Zuckerberg: “[O]ur present policies and public stance on teenage self harm and suicide are so  
 17 difficult to explain publicly that our current response looks convoluted and evasive.”

18 33. In August 2021, Clegg renewed his plea to Zuckerberg for increased investment in  
 19 wellbeing. Clegg warned Zuckerberg: “We are not on track to succeed for our core well-being  
 20 topics (problematic use, bullying & harassment, connections, and SSI),\* and are at increased  
 21 regulatory risk and external criticism. These affect everyone, especially Youth and Creators; if not  
 22 addressed, these will follow us into the Metaverse. . . .”<sup>17</sup> Clegg also noted that politicians

23  
 24 <sup>14</sup> Cristiano Lima-Strong & Naomi Nix, *Zuckerberg ‘ignored’ executives on kids’ safety, unredacted lawsuit alleges*, Wash. Post (Nov. 8, 2023), <https://www.washingtonpost.com/technology/2023/11/08/zuckerberg-meta-lawsuit-kids-safety/>.  
 25

26 <sup>15</sup> Nick Clegg, *supra* n.10.

27 <sup>16</sup> *Id.* “SSI” refers to “suicide and self-injury.” META3047MDL-003-00068863.

28 <sup>17</sup> Nick Clegg, *supra* n.10.

1 worldwide raised “concerns about the impact of our products on young people’s mental health.”<sup>18</sup>  
 2 He added that a survey of U.S. policy elites revealed “concerns about the potential impacts of  
 3 AR/VR on young users, particularly with regard to time spent on the devices and the potential for  
 4 harmful actors to target children.”<sup>19</sup> Clegg concluded that while Meta had a “strong program of  
 5 research,” it “need[s] to do more and [is] being held back by a lack of investment on the product side  
 6 which means that [it is] not able to make changes and innovations at the pace required to be  
 7 responsive to policymaker concerns.”<sup>20</sup>

8 34. In a subsequent email, another executive conceded that there was a “very low-  
 9 likelihood that Mark [Zuckerberg] chooses to fund more here.” Indeed, Zuckerberg ignored Clegg’s  
 10 request for months.<sup>21</sup>

11 35. In August 2021, Senators Richard Blumenthal and Marsha Blackburn wrote to  
 12 Zuckerberg, raising their concern about the harmful impact of social media on the mental health of  
 13 children and teenagers. The senators asked Zuckerberg whether Meta’s own research had “ever  
 14 found that its platforms and products can have a negative effect on children’s and teens’ mental  
 15 health or well-being.”<sup>22</sup> In its response, Meta concealed that its own research concluded that the  
 16 answer was a resounding “yes.”<sup>23</sup>

17 36. Just as Zuckerberg ignored Clegg, Zuckerberg never responded to an October 5, 2021  
 18 email from Arturo Bejar (“Bejar”), Former Facebook Director of Engineering for Protect and Care,  
 19 urging the Company to take action. In his email, Bejar informed Zuckerberg and other executives

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20 <sup>18</sup> *Id.*

21 <sup>19</sup> *Id.*

22 <sup>20</sup> *Id.*

23 <sup>21</sup> *Id.*

24 <sup>22</sup> Richard Blumenthal & Marsha Blackburn, U.S. Senate Letter to Mark Zuckerberg (Aug. 4,  
 25 2021), <https://www.blackburn.senate.gov/services/files/874B5612-CE63-46FC-967E-A05ED0433780>.

26 <sup>23</sup> Georgia Wells, Jeff Horwitz, *et al.*, *Facebook Knows Instagram Is Toxic for Teen Girls,*  
 27 *Company Documents Show*, Wall St. J. (Sept. 14, 2021), [https://www.wsj.com/articles/facebook-knows-instagram-is-toxic-for-teen-girls-company-documents-show-11631620739?mod=hp\\_lead\\_pos7](https://www.wsj.com/articles/facebook-knows-instagram-is-toxic-for-teen-girls-company-documents-show-11631620739?mod=hp_lead_pos7).  
 28



1 that 13% of Instagram users aged 13-15 self-reported having received unwanted sexual advances via  
 2 the platform within the previous seven days. Despite this staggering level of harassment,  
 3 Zuckerberg failed to make changes. In 2023, Bejar testified to Congress about his experience: “All  
 4 this time there has been extensive harm happening to teenagers, and the leadership has been aware of  
 5 it, but they have chosen not to investigate or address the problems.”<sup>24</sup>

6 37. Zuckerberg’s strategy for Meta includes recruiting young users, even though he  
 7 knows the Social Media Platforms expose children to danger.

8 38. Attracting young users is a part and parcel of Meta’s business strategy, and Meta is  
 9 aware that millions of its users are under 13 years of age. While technically Instagram does not  
 10 allow users under 13 years of age, Meta and Zuckerberg know that users frequently lie about their  
 11 age when they sign up for Instagram. Meta’s lax age verification is no surprise given that  
 12 Zuckerberg has said he believes younger children should be allowed on social networking sites.<sup>25</sup>

13 39. In January 2018, Zuckerberg received an internal report revealing that Meta had  
 14 4 million users under the age of 13 – roughly 30% of all 10- to 12-year-olds in the United States.  
 15 Meta is aware that its age verification process allows 11- and 12- year-olds to easily bypass Meta’s  
 16 Social Media Platforms.

17 40. Zuckerberg misled Congress when he testified on March 25, 2021: “[I]f we detect  
 18 that someone might be under the age of 13, even if they lied, we kick them off.” In reality, when an  
 19 account is reported as belonging to a user under 13 years of age, both Facebook and Instagram  
 20 require verification before deleting their account.<sup>26</sup> Requiring verification to suspend a user’s  
 21 account, but not at time of the account’s activation, ensures that millions of young children have  
 22 access to the Social Media Platforms. Moreover, Meta fails to meet its obligation under the

23 <sup>24</sup> Arturo Bejar, *supra* n.13.

24 <sup>25</sup> Kashmir Hill, *Mark Zuckerberg Is Wrong About Kids Under 13 Not Being Allowed on Facebook*,  
 25 Forbes (May 20, 2011), [https://www.forbes.com/sites/kashmirhill/2011/05/20/mark-zuckerberg-is-](https://www.forbes.com/sites/kashmirhill/2011/05/20/mark-zuckerberg-is-wrong-about-kids-under-13-not-being-allowed-on-facebook/?sh=1058b5b15506)  
 26 [wrong-about-kids-under-13-not-being-allowed-on-facebook/?sh=1058b5b15506](https://www.forbes.com/sites/kashmirhill/2011/05/20/mark-zuckerberg-is-wrong-about-kids-under-13-not-being-allowed-on-facebook/?sh=1058b5b15506) (Zuckerberg told  
 Fortune Tech: “My philosophy is that for education you need to start at a really, really young age.”).

27 <sup>26</sup> Instagram, *Report an Underage User on Instagram*, [https://help.instagram.com/contact/](https://help.instagram.com/contact/723586364339719?fbclid=IwAR3E5rZo8zvp9Uw3giRoQRMy5qFmIGpy-NOLLtpctHOWkalXtfJ1ft9O09Q)  
 28 [723586364339719?fbclid=IwAR3E5rZo8zvp9Uw3giRoQRMy5qFmIGpy-NOLLtpctHOWkalXtfJ1](https://help.instagram.com/contact/723586364339719?fbclid=IwAR3E5rZo8zvp9Uw3giRoQRMy5qFmIGpy-NOLLtpctHOWkalXtfJ1ft9O09Q)  
 ft9O09Q (last visited Mar. 13, 2024).



Children’s Online Privacy Protection Act of 1998 to provide “verifiable parental consent” for minors to use Facebook or Instagram. Its purported ban on under-13-year-old users is a smokescreen for Meta’s true goal of capturing users as young as possible.

41. Moreover, Meta and Zuckerberg have allowed Facebook and Instagram to become a marketplace for predators in search of these very children. Tests conducted by *The Wall Street Journal* and the Canadian Centre for Child Protection revealed that Meta’s recommendation systems promote pedophile accounts.<sup>27</sup>

42. A subsequent Meta task force revealed that Instagram’s algorithms “connected a web of accounts devoted to the creation, purchasing, and trading of underage-sex content.” *Id.* Instagram was not only hosting such activities, but its recommendation systems were “connecting pedophiles with [one] another and guiding them to content sellers.” *Id.* Although Meta lets users flag problem content, “its system often ignores or dismisses reports of child exploitation.” *Id.* In one example, a predator in New Mexico recruited more than 100 minor victims through Facebook.<sup>28</sup>

43. In California, a predator used Facebook to arrange sex trafficking of a 15-year-old from Arizona.<sup>29</sup> In Bucks County, Pennsylvania, a mother told a news outlet that her 16-year-old daughter was blackmailed and harassed with nude pictures of her exchanged and posted on Instagram. Some partial blurring of her daughter’s body allowed the user to bypass Instagram’s algorithms that ban nudity.<sup>30</sup> In two Florida cases involving sexual exploitation of minors, the underage victims were lured through Meta’s Social Media Platforms.<sup>31</sup>

<sup>27</sup> Jeff Horwitz & Katherine Blunt, *Meta Is Struggling to Boot Pedophiles Off Facebook and Instagram*, Wall St. J. (Dec. 1, 2023), <https://www.wsj.com/tech/meta-facebook-instagram-pedophiles-enforcement-struggles-dceb3548>.

<sup>28</sup> Kate Gibson, *Facebook and Instagram are steering child predators to kids, New Mexico AG alleges*, CBS News (Dec. 6, 2023), <https://www.cbsnews.com/news/facebook-instagram-meta-mark-zuckerberg-children-pedophiles-new-mexico-lawsuit/>.

<sup>29</sup> Press Release, U.S. Attorney’s Office, District of Arizona, *California Man Sentenced to 8 Years in Prison for Conspiracy to Commit Sex Trafficking of a Minor* (Feb. 13, 2019), <https://www.justice.gov/usao-az/pr/california-man-sentenced-8-years-prison-conspiracy-commit-sex-trafficking-minor>.

<sup>30</sup> Samantha Murphy Kelly, *Why Bucks County, Pennsylvania is suing social media companies*, Phila. Tribune (Apr. 2, 2023), [https://www.phillytrib.com/news/business/why-bucks-county-pennsylvania-is-suing-social-media-companies/article\\_5baf921-76f2-590b-9856-6745f8a1cfb2](https://www.phillytrib.com/news/business/why-bucks-county-pennsylvania-is-suing-social-media-companies/article_5baf921-76f2-590b-9856-6745f8a1cfb2).  
SUPPORTING ALLEGATIONS REGARDING SHORT-FORM COMPLAINT AND DEMAND FOR

44. Child abuse on the Social Media Platforms is commonplace: Meta’s internal documents show 100,000 children are sexually harassed every day on its Social Media Platforms.<sup>32</sup> Meta has further given cover to would-be predators by implementing end-to-end encryption for messages.<sup>33</sup> As a result, Meta will no longer have access to the contents of the messages that users send or receive unless one participant reports a message to the Company.

45. Zuckerberg made false and misleading statements to the public.

46. Knowing full well that Meta’s Social Media Platforms have a negative impact on the well-being of young users, Zuckerberg has time and again claimed that the Social Media Platforms are safe for children, contradicting Meta’s own research demonstrating otherwise.

47. In January 2018, Zuckerberg said Meta is “focused on making sure Facebook isn’t just fun to use, but also good for people’s wellbeing.”<sup>34</sup> In truth, Zuckerberg was focused on increasing user engagement at the expense of Meta’s users’ well-being. *See supra*.

48. At a March 25, 2021 Congressional hearing, Zuckerberg repeated his claims that Meta’s Social Media Platforms do not harm children.<sup>35</sup> Instead, Zuckerberg suggested that social media is good for teens and adults alike because they “help people stay connected to people they

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html#:~:text=But%20on%20Friday%2C%20their%20hometown%20of%20Bucks%20County,are%20designed%20to%20%E2%80%9Cexploit%20for%20profit%E2%80%9D%20their%20vulnerabilities.

<sup>31</sup> *United States v Montijo*, 2022 WL 93535 (M.D. Fla. Jan. 10, 2022); *United States v Pedrosa*, 2022 WL 20056290 (S.D. Fla. Sept. 9, 2022).

<sup>32</sup> Katie McQue, *Meta documents show 100,000 children sexually harassed daily on its platforms*, Guardian (Jan. 18, 2024), <https://www.theguardian.com/technology/2024/jan/18/instagram-facebook-child-sexual-harassment>.

<sup>33</sup> Jeff Horwitz & Katherine Blunt, *Meta Starts Fully Encrypting Messages on Facebook and Messenger App*, Wall St. J. (Dec. 6, 2023), <https://www.wsj.com/tech/meta-to-start-fully-encrypting-messages-on-facebook-and-instagram-a936c4f9>.

<sup>34</sup> Dominic Rushe, *Facebook posts \$4.3bn profit as Zuckerberg laments ‘hard year,’* Guardian (Jan. 31, 2018), <https://www.theguardian.com/technology/2018/jan/31/facebook-profit-mark-zuckerberg>.

<sup>35</sup> Disinformation Nation: Social Media’s Role in Promoting Extremism and Misinformation, Hearing Before House Energy and Commerce Subcommittee on Communications and Technology (Mar. 25, 2021), <https://www.congress.gov/117/chr/CHRG-117hrg/46925/CHRG-117hrg/46925.pdf>.

1 care about, which I think is one of the most fundamental and important human things that we do.”

2 *Id.*

3 49. Zuckerberg also denied that Facebook’s newsfeed and video reels are designed to  
 4 foster prolonged use or that Meta’s goal is to increase the time users spend on this platform.  
 5 Zuckerberg testified that Meta does not “make money off of creating an addiction to [its] platforms.”  
 6 *Id.* He added: “the way we design our algorithms is to encourage meaningful social interactions”  
 7 and denied that Meta’s teams “have goals[] of trying to increase the amount of time that people  
 8 spend [using Meta’s Social Media Platforms].”<sup>36</sup> Yet, as of March 8, 2024, the head of Facebook  
 9 has been touting the efficacy of Facebook’s new AI model capable of keeping users passively  
 10 consuming video content for 8%-10% longer. It is no secret that time spent on the Social Media  
 11 Platforms supports Meta’s bottom line.

12 50. Zuckerberg also denied that passive consumption of social media content, such as the  
 13 Social Media Platforms’ endless feed and video reels, harmed children’s mental health. Zuckerberg  
 14 instead pointed out that “social apps to connect with other people can have positive mental health  
 15 benefits and well-being benefits by helping people feel more connected and less lonely.” *Id.*  
 16 Zuckerberg made this statement knowing that Meta’s internal research showed that social media has  
 17 a net-negative impact on youth wellbeing.

18 51. Again, on October 5, 2021, Zuckerberg publicly stated in a post on his Facebook  
 19 profile: “At the heart of these accusations is this idea that we prioritise [sic] profit over safety and  
 20 well-being. That’s just not true.”<sup>37</sup>

21 52. As outlined above, Zuckerberg knew that his statements, both to the public and  
 22 Congress, were patently false.

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 25  
 26 <sup>36</sup> *Id. cf. supra* §I.A.

27 <sup>37</sup> Dan Milmo, *Mark Zuckerberg hits back at Facebook whistleblower claims*, Guardian (Oct. 6,  
 28 2021), <https://www.theguardian.com/technology/2021/oct/06/mark-zuckerberg-hits-back-at-facebook-whistleblower-frances-haugen-claims>.

**C. Additional Allegations Relating to Defendant Discord**

53. Plaintiff incorporates by reference each and every allegation against Discord included in *C.U. v. Snap Inc.*, No. 4:22-cv-07347-YGR (N.D. Cal.) (ECF 1), and *Guillot v. Meta Platforms, Inc.*, No. 4:23-cv-03453-YGR (N.D. Cal.) (ECF 1).

54. Discord is an instant messaging and social media platform that allows for users to communicate with each other through private and group-based messaging, including through text, photos, videos, and video calls. It can be likened to a series of chat rooms and groups in which users can engage in conversation with others. It was launched in 2015. As of January 2024, the platform had more than 196 million active users each month.<sup>38</sup> As noted by co-founder and CEO Jason Citron at the January 31, 2024 Congressional hearing, more than 60% of Discord's active users are between the ages of 13 and 24 years old.<sup>39</sup>

55. Discord generates revenue through user subscription fees that gives users access to features like custom emojis for \$5 or \$10 per month. Discord also generates revenue through access to their server, of which the company takes a 10% cut.<sup>40</sup>

56. Discord has designed, developed, produced, operated, promoted, distributed, and marketed its platforms to attract, capture, and addict youth, with minimal parental oversight. Not only are Discord's features engineered to induce compulsive use by young people, it has also failed to reasonably protect child users and help limit and prevent child sexual exploitation, sextortion, and distribution of known Child Sexual Assault Material ("CSAM") by failing to implement certain design features that prioritize children's safety.

57. Discord has designed and operates its product in such a way that it also allows people to chat using fake names; and the task of enforcing community standards is largely delegated to the

<sup>38</sup> Werner Geyser, *The Latest Discord Statistics: Servers, Revenue, Data, and More*, Influencer Marketing Hub (Jan. 30, 2024), <https://influencermarketinghub.com/discord-stats/>.

<sup>39</sup> Adi Robertson, *Meta, TikTok, and other tech companies go to Congress: all the news*, Verge (Jan. 31, 2024), <https://www.theverge.com/2024/1/31/24056136/congress-child-safety-hearing-kosa-meta-x-discord-snap-tiktok/archives/2>.

<sup>40</sup> Kellen Browning, *How Discord, Born From an Obscure Game, Became a Social Hub for Young People*, N.Y. Times (Dec. 29, 2021), <https://www.nytimes.com/2021/12/29/business/discord-server-social-media.html>.

1 organizers of individual Discord groups, called “servers.”<sup>41</sup> By default, all users – including users  
 2 under 18 years old – can receive friend invitations from anyone in the same server, which opens the  
 3 ability for them to send and receive private messages from strangers.<sup>42</sup>

4 58. Discord’s dangerous and harmful design features include, *inter alia*, a lack of reliable  
 5 age verification to determine users’ ages; failure to implement effective parental controls; failure to  
 6 implement effective parental notifications; failure to enable default protections for youth in order to  
 7 protect against compulsive use or overuse of the product; and a lack of community safety  
 8 precautions to prevent adults from preying on children, such as false assurances that certain features  
 9 will keep users safe and downplaying the dangers of its product to youth users.

10 59. Discord’s terms of use prohibit users under 13 years old, but Discord does not verify  
 11 user age or identity. There is no parental notification to parents when a youth user signs up for a  
 12 new account. Because it has failed to implement a robust and effective age verification process,  
 13 there are children aged 13 and under using the product; in fact, Discord is aware that children as  
 14 young as eight years old are currently using the product.<sup>43</sup> Discord has access to information within  
 15 its platform to identify the age of its users because youth users often state their real age in their bio  
 16 and/or tell other users their real age in group and private chats using one or more Discord product  
 17 features. Youth users also post photos that often reflect their actual age.

18 60. In many cases, youth users are able to access Discord throughout the school day  
 19 because it is not one of the applications that is blocked on school networks, such as Snapchat and  
 20 Instagram.<sup>44</sup>

21 61. Discord has failed to implement safety features such that there is an unreasonable  
 22 opportunity for and risk of sexual exploitation of youth on the platform. By default, all product users  
 23 – including users under 18 years old – can receive friend invitations from anyone in the same server,

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24 <sup>41</sup> *Id.*

25 <sup>42</sup> Samantha Murphy Kelly, *The dark side of Discord for teens*, CNN Bus. (Mar. 22, 2022),  
 26 <https://www.cnn.com/2022/03/22/tech/discord-teens/index.html>.

27 <sup>43</sup> Kellen Browning, *supra* n.40.

28 <sup>44</sup> Samantha Murphy Kelly, *supra* n.42.

1 which opens the ability for them to send and receive private messages from strangers.<sup>45</sup> Discord has  
 2 failed to implement effective parental controls to prevent such activity from causing harm to youth.  
 3 Discord has failed to implement effective tools for youth/parent users to choose to avoid such  
 4 problematic and harmful experiences.

5 62. Discord’s purported “safety” features create a false sense of security on the platform,  
 6 which create an unreasonable risk of harm to youth. For instance, until in or around October 2023,  
 7 the Discord support pages described the platform’s “Safe Direct Messaging” options in the following  
 8 ways:

- 9 • Keep me safe: the safest option. This will have Discord scan any image sent in all  
 10 DMs, regardless of whether you’ve added the user on your friend list, or the user is  
 11 DMING you just by sharing a mutual server.
- 12 • My friends are nice: The medium-est option! This will let Discord know to scan any  
 13 images sent in DMs from users that aren’t on your friends list, but also to trust your  
 14 previously-added friends and not worry about any images they send.
- 15 • Do not scan: The self-confident option. Enabling this option will completely disable  
 16 Discord’s image scanning process, and leave you for a walk on the wild side for any  
 17 and all DMs you receive. Careful, it’s a jungle out there!

18 63. These representations reasonably would lead youth users to believe that Discord will  
 19 scan for and block sexually explicit materials, including materials used to groom and/or blackmail  
 20 youth users. Discord should not be offering less-safe options (“My friends are nice” and “Do not  
 21 scan”) to youth users without parental consent. The less-safe options as product features are further  
 22 defective and/or dangerous for youth users because they downplay the risks of sexually explicit  
 23 and/or otherwise harmful content through direct messaging, with descriptions such as “the wild side”  
 24 and “a jungle,” and suggesting that the “Do not scan” option is “The self-confident option.” This  
 25 creates a false sense of security that results in direct harm to Discord’s youth users.

26 64. Further, the safe messaging features do not operate as promised. The “Keep me safe”  
 27 option, as described, would reasonably lead a youth user to understand that Discord’s scanning  
 28 service would keep them “safe” from predatory users and sexually explicit and/or otherwise harmful

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<sup>45</sup> *Id.*



1 content. However, Discord's safety scanning service did not do even that. This option filters  
 2 explicit context received in direct messages only, not those received through group messaging.<sup>46</sup>  
 3 The viewing and trading of CSAM is rampant via Discord.<sup>47</sup>

4 65. Discord's complete lack of parental controls also presents an unreasonable risk of  
 5 harm to youth users. This allows youth to use the platform and be exposed to the risks of trauma,  
 6 abuse, grooming, and exploitation through use of the product, all under the false impression that  
 7 Discord is taking affirmative action to keep the users safe.

8 66. Youth users on Discord are exposed to sexual predators, who contact them over the  
 9 platform, cultivate emotional connections, and engage in "grooming" in order to exploit, manipulate,  
 10 and abuse such youth users.<sup>48</sup> Youth are exposed to self-harm chats, including shared tips on how to  
 11 hide cutting and other self-harm from parents, and suggested advice on how to run away from home  
 12 (in at least one reported instance to meet up with an adult met through the platform).<sup>49</sup>

13 67. Discord does not provide effective warnings to youth users or parents regarding the  
 14 unreasonable risk of harm to youth in using the product. It makes it difficult for parents or other  
 15 visitors of the platform to report CSAM, other inappropriate or harmful content, or predatory user  
 16 accounts without needing to either log into the platform or have significant information only  
 17 obtainable from the platform.

18  
 19  
 20  
 21 <sup>46</sup> Letter from Patrick Trueman and Dawn Hawkins, End Sexual Exploitation, to Jason Citron, CEO  
 22 of Discord, April 26 2023, [https://endsexualexploitation.org/wp-content/uploads/Discord-Notification-Letter\\_DDL-2023\\_FINAL\\_Redacted.pdf](https://endsexualexploitation.org/wp-content/uploads/Discord-Notification-Letter_DDL-2023_FINAL_Redacted.pdf).

23 <sup>47</sup> *Id.*; Parents Together, Afraid, Uncertain, and Overwhelmed: A Survey of Parents on Online  
 24 Sexual Exploitation of Children (2023), <https://parentstogetheraction.org/wp-content/uploads/2023/03/PTPDF final-2.pdf>.

25 <sup>48</sup> See Dee Dee Gatton, *Discord app raises safety concerns as experts warn of sexual exploitation*  
 26 *risks*, 24 News (June 22, 2023), <https://nbc24.com/news/nation-world/discord-app-raises-safety-concerns-as-experts-warn-of-sexual-exploitation-risks-the-national-center-on-sexual-exploitation-purdue-university-dr-kathryn-seigfried-spellar-chat-app-grooming-social-media-platform>; Samantha  
 27 Murphy Kelly, *supra* n.42.

28 <sup>49</sup> Samantha Murphy Kelly, *supra* n.42.

68. Discord has additional product defects that encourage compulsive use and overuse of its product. For instance, Discord does not provide an option to users to self-restrict time on the platform.

69. Youth lack the cognitive ability and life experience to identify online grooming behavior by adults and the psychosocial maturity to decline invitations to exchange sexually explicit or otherwise salacious or violent material and mass-messaging capabilities. At all relevant times, Discord allowed direct messaging with and by youth without parental notification.

70. In 2023, Discord finally began to implement additional safety features for youth. In July 2023, Discord launched a Family Center that allows for limited parental monitoring of youth users' activities on Discord.<sup>50</sup> This program is "opt-in," which means youth must choose to include their parents in the Family Center in order for it to be effective. In October 2023, Discord launched the "Teen Safety Assist" initiative to attempt to address some of the risks to youth users.<sup>51</sup> Two of the new features include a safety alert to a teen user when a teen user receives a direct message from a user for the first time and a content filter that automatically blurs sensitive content received through a direct or group message.<sup>52</sup>

71. Discord's defective and harmful product features present unreasonable risks of harm to youth users and have directly harmed youth users. Because Discord allows fake usernames, does not verify age, does not facilitate parental controls, and misleads users to believe that there is a "safe" messaging option, youth have been groomed, exploited, and abused by other users through Discord without protection, as well as exposed to harmful content, such as self-harm and violent material.<sup>53</sup> Discord enables sexual predators to text, call, and video chat with youth users and prey on their vulnerabilities.

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<sup>50</sup> *Stay Connected with Your Teen Using Discord's Family Center*, Discord Blog (July 11, 2023), <https://discord.com/blog/discord-family-center-stay-connected-with-your-teen>.

<sup>51</sup> *How We're Making Discord the Best Place to Hang Out and Have Fun with Your Friends*, Discord Blog (Oct. 19, 2023), <https://discord.com/blog/best-place-to-hang-out-with-friends>.

<sup>52</sup> *Id.*

<sup>53</sup> Samantha Murphy Kelly, *supra* n.42; Kellen Browning, *supra* n.40.



72. Without the appropriate safety features for youth, youth users have found their way to chat rooms that share information about self-harm or eating disorders, have been subjected to sexual exploitation and manipulation by sexual predators, and have had exploitative content shared via Discord's servers.<sup>54</sup> A June 2023 report found that since Discord's launch, at least 35 criminal prosecutions involving charges of kidnapping, grooming, or sexual assault and 165 prosecutions related to child sexual abuse included communications using Discord.<sup>55</sup>

73. Discord's own transparency reports reveal that it received over 416,000 reports related to child safety from October 2023 to December 2023 alone.<sup>56</sup> It also received over 895,000 reports for exploitative and unsolicited content.<sup>57</sup>

74. Discord's design features and conduct facilitating the abuse of youth and exacerbating the spread of CSAM have caused Plaintiff to divert and increase resources and expenditures to provide education, counseling, disciplinary, and other social services to harmed youth.

**D. Defendants Employ Artificial Intelligence in Ways that Expose Youth to Harmful Experiences**

75. Defendants utilize AI and machine learning through the development and operation of features, including the release of original content, that are inherently dangerous and harmful to youth. These features serve to facilitate compulsive use, overuse, and addiction by youth users, as well as expose youth to harmful experiences due to the lack of meaningful protections for youth users.

76. Defendants' use of AI and machine learning falls into at least three categories: the use of AI to promote addictive use; AI machine learning to conduct content moderation; and the

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<sup>54</sup> Samantha Murphy Kelly, *supra* n.42.

<sup>55</sup> Ben Goggin, Child predators are using Discord, a popular app among teens, for sextortion and abductions, NBC News (June 21, 2023), <https://www.nbcnews.com/tech/social-media/discord-child-safety-social-platform-challenges-rcna89769>.

<sup>56</sup> Discord, *Transparency Reports* (Jan. 16, 2024), <https://discord.com/safety-transparency-reports/2023-q4>.

<sup>57</sup> *Id.*

1 development and publication of AI-generated original content, including, but not limited to, through  
2 large language models such as chatbots.

3 77. Defendants, including Google, YouTube, Meta, Facebook, Snap, Discord, and  
4 TikTok, intentionally design and operate their platforms to maximize users' screen time through the  
5 use of features intended to exploit human psychology using complex algorithms driven by advanced  
6 AI and machine-learning systems. For example, YouTube has developed and operates machine  
7 learning technology with the goal of increasing the amount of time users spend watching content on  
8 YouTube. The AI-driven suggestions succeed in maximizing user engagement. YouTube Chief  
9 Product Officer Neal Mohan stated in 2018 that YouTube's AI-driven recommendations are  
10 responsible for 70% of the time users spend on YouTube.<sup>58</sup> In other words, 70% of all YouTube  
11 content that users watch was recommended to users by YouTube's machine learning technology, as  
12 opposed to users purposely searching for and identifying the content they watch. Defendants have  
13 failed to implement effective parental controls to prevent such activity from causing harm to youth.  
14 Defendants have failed to implement effective tools for youth/parent users to choose to avoid such  
15 problematic and harmful experiences.

16 78. Meta also uses AI to keep users engaged. Rather than display information  
17 chronologically, posts are displayed based on a user's previous online activity, including whether the  
18 user previously "share[d]," "like[d]," or otherwise engaged with similar content.<sup>59</sup> In March 2024,  
19 Meta unveiled that it will begin using a new artificial model across all its Social Media Platforms  
20 that promises to be even more effective at prolonging the time that users spend online.<sup>60</sup> Tom  
21 Alison, head of Facebook, said that the new model kept users watching its video "Reels" for 8%-  
22 10% longer, proving that the model was "learning from the data much more efficiently than the  
23 previous generation." Defendants have failed to implement effective parental controls to prevent

24 \_\_\_\_\_  
25 <sup>58</sup> Joan E. Solsman, *YouTube's AI is the puppet master over most of what you watch*, CNET  
(Jan. 20, 2018), <https://www.cnet.com/tech/services-and-software/youtube-ces-2018-neal-mohan/>.

26 <sup>59</sup> Nick Clegg, *supra* n.5.

27 <sup>60</sup> Jonathan Vanian, *Meta is building a giant AI model to power its 'entire video ecosystem,' exec*  
28 *says*, CNBC (Mar. 6, 2024), <https://www.cnbc.com/2024/03/06/facebook-working-on-single-ai-model-to-power-all-video-recommendations.html>.

1 such activity from causing harm to youth. Defendants have failed to implement effective tools for  
 2 youth/parent users to choose to avoid such problematic and harmful experiences.

3 79. Second, Defendants rely on AI-driven technology to moderate content on their  
 4 platforms, which fail to detect and block inappropriate and harmful content accessed by youth. This  
 5 leads to harms, including, but not limited to, youth users getting exposed to CSAM; getting targeted  
 6 by adult predators; and finding content that promotes self-harm, such as how to engage in cutting  
 7 and hide it from adults. Defendants have failed to implement effective parental controls to prevent  
 8 such activity from causing harm to youth. Defendants have failed to implement effective tools for  
 9 youth/parent users to choose to avoid such problematic and harmful experiences.

10 80. Third, Defendants have developed and are operating chatbots that engage with users,  
 11 including youth users, with original content composed by the applications themselves. For instance,  
 12 Meta recently unveiled an AI chatbot with 28 personas, among them the “ride-or-die older sister”  
 13 resembling Kendall Jenner, aimed at engaging younger users.<sup>61</sup> In 2023, Snap added to its feed “My  
 14 AI,” an AI chatbot that engages with users, including children, with on-demand text produced by the  
 15 application itself. Snapchat developed this “virtual friend” to further increase engagement. It has  
 16 features that make its chatbot more “friendly,” such as the option to customize the chatbot’s name,  
 17 design a custom bitmoji avatar for it, and include it in group chats with friends.<sup>62</sup> It is not possible to  
 18 remove the chatbot from a user’s feed unless that user pays to subscribe to Snap’s premium  
 19 subscription service.

20 81. In tests that have been recreated multiple times, Snap’s My AI responds to self-  
 21 identified youth users with inappropriate and misleading content, including how to hide the smells of  
 22 alcohol and marijuana, “setting the mood” for a minor having sex with a 30-year-old for the first  
 23  
 24

25 <sup>61</sup> Wes Davis, *Meta’s AI chatbot plan includes a ‘sassy robot’ for younger users*, Verge (Sept. 24,  
 26 2023), <https://www.theverge.com/2023/9/24/23887773/meta-ai-chatbots-gen-ai-personas-young>.

27 <sup>62</sup> Samantha Murphy Kelly, *Snapchat’s new AI chatbot is already raising alarms among teens and*  
 28 *parents*, CNN Bus. (Apr. 27, 2023), <https://www.cnn.com/2023/04/27/tech/snapchat-my-ai-concerns-wellness/index.html>.

1 time, and writing essays for self-identified students when asked to do so for a school project.<sup>63</sup> It  
 2 even explains to teens how to hide the Snap application from parental monitoring.<sup>64</sup> In user tests, the  
 3 My AI becomes more problematic the longer one chats with it.<sup>65</sup>

4 82. Snap’s My AI is also problematic in providing mental health advice to youth users  
 5 because it can reinforce confirmation bias, allowing users to continue to feel badly if they approach  
 6 the chatbot in a negative mood.<sup>66</sup> According to Alexandra Hamlet, a clinical psychologist in New  
 7 York City: “If a teen is in a negative mood and does not have the awareness desire to feel better, they  
 8 may seek out a conversation with a chatbot that they know will make them feel worse. . . . Over  
 9 time, having interactions like these can erode a teens’ sense of worth, despite their knowing that they  
 10 are really talking to a bot.”<sup>67</sup>

11 83. Defendants’ large language models, such as Snap’s My AI, put youth users at an  
 12 unreasonable risk of harm and expose youth users to harmful experiences and inappropriate and  
 13 dangerous content created by Defendants themselves. Defendants are aware that their AI language  
 14 models are “experimental” and yet continue to expose youth to harm through the original content  
 15 they produce.<sup>68</sup> Defendants have failed to implement effective parental controls to prevent such  
 16 activity from causing harm to youth. Defendants have failed to implement effective tools for  
 17 youth/parent users to choose to avoid such problematic and harmful experiences.

19 <sup>63</sup> Geoffrey A. Fowler, *Snapchat tried to make a safe AI. It chats with me about booze and sex*,  
 20 Wash. Post (Mar. 14, 2023), [https://www.washingtonpost.com/technology/2023/03/14/snapchat-](https://www.washingtonpost.com/technology/2023/03/14/snapchat-myai/)  
 21 [myai/](https://www.washingtonpost.com/technology/2023/03/14/snapchat-myai/); *see also* Common Sense Media, AI Initiative, *My AI* (Oct. 19, 2023),  
<https://www.commonsensemedia.org/ai-ratings/my-ai>.

22 <sup>64</sup> *Id.*

23 <sup>65</sup> *Id.*

24 <sup>66</sup> Sarah Perez, *Several popular AI products flagged as unsafe for Kids by Common Sense Media*,  
 25 Tech Crunch (Nov. 16, 2023), [https://techcrunch.com/2023/11/16/several-popular-ai-products-](https://techcrunch.com/2023/11/16/several-popular-ai-products-flagged-as-unsafe-for-kids-by-common-sense-media/#:~:text=An%20independent%20review%20of%20popular%20AI%20tools%20has,Stable%20Diffusion%2C%20may%20not%20be%20safe%20for%20kids.)  
 26 [flagged-as-unsafe-for-kids-by-common-sense-media/#:~:text=An%20independent%20review%20of%20popular%20AI%20tools%20has,Stable%20Diffusion%2C%20may%20not%20be%20safe%20for%20kids.](https://techcrunch.com/2023/11/16/several-popular-ai-products-flagged-as-unsafe-for-kids-by-common-sense-media/#:~:text=An%20independent%20review%20of%20popular%20AI%20tools%20has,Stable%20Diffusion%2C%20may%20not%20be%20safe%20for%20kids.)

27 <sup>67</sup> Samantha Murphy Kelly, *supra* n.62.

28 <sup>68</sup> Geoffrey A. Fowler, *supra* n.63.

1 **II. ADDITIONAL CAUSES OF ACTION**

2 **COUNT III**

3 **Violation of Florida's Deceptive and**  
 4 **Unfair Trade Practices Act, §501.201, et seq.**  
**(Against All Defendants)**

5 84. Plaintiff incorporates by reference each and every allegation in the amended  
 6 Complaint in *Broward County School Board v. Meta Platforms, Inc.*, No. 4:23-cv-01061-YGR  
 7 (ECF 28).

8 85. Plaintiff brings this claim under the Florida Deceptive and Unfair Trade Practices Act  
 9 (“FDUTPA”) as to all Defendants.

10 86. FDUTPA prohibits “[u]nfair methods of competition, unconscionable acts or  
 11 practices, and unfair or deceptive acts or practices in the conduct of any trade or commerce . . . .”  
 12 Fla. Stat. Ann. §501.204(1). In construing the provisions of FDUTPA, “due consideration and great  
 13 weight shall be given to the interpretations of the Federal Trade Commission and the federal courts  
 14 relating to §5(a)(1) of the Federal Trade Commission Act, 15 U.S.C. §45(a)(1) as of July 1, 2017.”<sup>69</sup>

15 87. Plaintiff is an “[i]nterested party or person” within the meaning of Fla. Stat.  
 16 §501.203(6) and a “person” as envisioned in Fla. Stat. Ann. §501.211.

17 88. Defendants engage in “[t]rade or commerce” as defined by FDUTPA. *See* Fla. Stat.  
 18 Ann. §501.203(8).

19 89. A deceptive act occurs when there is a “representation, omission, or practice that is  
 20 likely to mislead the consumer acting reasonably in the circumstances, to the consumer’s detriment.”  
 21 *PNR, Inc. v. Beacon Prop. Mgmt., Inc.*, 842 So. 2d 773, 777 (Fla. 2003).

22 90. An unfair practice is “one that ‘offends established public policy’ and one that is  
 23 ‘immoral, unethical, oppressive, unscrupulous or substantially injurious to consumers.’”

24 91. Defendants engaged in unfair and deceptive acts and practices that violated FDUTPA  
 25 by:

26  
 27  
 28 <sup>69</sup> Fla. Stat. Ann. §501.204(2).

1 (a) designing, marketing, promoting, and/or operating their platforms in a manner  
 2 intended to prioritize harmful content and maximize the time youth spend on their respective  
 3 platforms, despite knowledge of the harms to youth from their wrongful conduct;

4 (b) manipulating users to keep using or coming back to their platforms through  
 5 the use of IVRs;

6 (c) intentionally marketing their platforms to youths and adolescents, directly  
 7 facilitating the widespread, excessive, and habitual use of their platforms among youth; and

8 (d) knowingly designing and modifying their platforms in ways that promote  
 9 excessive and problematic use in ways known to be harmful to children.

10 92. By seeking to capitalize on their success by refining their platforms to prioritize  
 11 harmful content and manipulate youth to spend excessive time on their platforms, Defendants have  
 12 engaged in deceptive practices that were likely to and did mislead youth acting reasonably in the  
 13 circumstances, to their detriment.

14 93. Defendants' immoral, unethical, oppressive, and unscrupulous practices described  
 15 above resulted in substantial injuries to youth and the current public health crisis affecting youth  
 16 mental health.

17 94. As a direct and proximate result of Defendants' FDUTPA violations, Plaintiff has  
 18 suffered harm and is threatened with continuing harm.

19 95. Plaintiff has incurred damages and has had to take steps to mitigate the harm and  
 20 disruption caused by Defendants' conduct, including the following:

21 (a) hiring additional personnel to address mental, emotional, and social health  
 22 issues;

23 (b) developing additional resources to address mental, emotional, and social  
 24 health issues;

25 (c) increasing training for teachers and staff to identify students exhibiting  
 26 symptoms affecting their mental, emotional, and social health;

27 (d) training teachers, staff, and members of the community about the harms  
 28 caused by Defendants' wrongful conduct;

1 (e) developing lesson plans to teach students about the dangers of using  
2 Defendants' platforms;

3 (f) educating students about the dangers of using Defendants' platforms;

4 (g) addressing property damaged as a result of students acting out because of  
5 mental, social, and emotional problems Defendants' conduct is causing;

6 (h) increasing disciplinary services and time spent addressing bullying,  
7 harassment, and threats;

8 (i) confiscating devices on which students use Defendants' platforms while in  
9 class or on Plaintiff's public school campuses;

10 (j) meeting with students and the parents of students caught using Defendants'  
11 platforms at school or addressing other disciplinary matters related to students' use of Defendants'  
12 platforms;

13 (k) diverting time and resources from instructional activities to notify parents and  
14 guardians of students' behavioral issues and attendance;

15 (l) investigating and responding to threats made against Plaintiff's public schools  
16 and students over social media;

17 (m) updating its student handbook to address use of Defendants' platforms; and

18 (n) updating school policies to address use of Defendants' platforms.

19 96. FDUTPA's safe-harbor provision §501.212(2) does not apply to Defendants. First,  
20 Plaintiff is not alleging Defendants are liable for what others have said on Defendants' platforms but  
21 rather for Defendants' own conduct. Second, Plaintiff's claims arise from Defendants' status as  
22 designers and marketers of dangerous social media platforms that have injured the health, comfort,  
23 and repose of its community. The nature of Defendants' platforms centers around Defendants' use  
24 of algorithms and other design features that maximize harmful content and encourage users to spend  
25 the maximum amount of time on their platforms – not on particular third-party content. Third,  
26 Defendants are liable for the content they create. Fourth, Defendants knowingly violated FDUTPA  
27 by intentionally designing and operating platforms targeted at youth that amplify harmful content  
28 and addictive utilization. Fifth, Plaintiff does not seek to hold Defendants liable as publishers or



1 speakers of information provided by other content providers; instead, Plaintiff seeks to hold  
 2 Defendants liable for distributing material they know or should know is harmful or unlawful.

3 97. The above-described content has been willful within the meaning of Fla. Stat. Ann.  
 4 §501.2075 and is unlawful under FDUTPA.

#### 5 **COUNT IV**

#### 6 **Gross Negligence** 7 **(Against All Defendants)**

8 98. Plaintiff incorporates by reference each and every allegation in the amended  
 9 Complaint in *Broward County School Board v. Meta Platforms, Inc.*, No. 4:23-cv-01061-YGR  
 10 (ECF 28).

11 99. Defendants owed the public legal duties, including a preexisting duty not to expose  
 12 Plaintiff's public schools to an unreasonable risk of harm and a duty to exercise reasonable and  
 13 ordinary care and skill in accordance with the applicable standards of conduct in design, marketing,  
 14 promoting, and operating their platforms.

15 100. At all relevant times to this litigation, Defendants had a duty to exercise reasonable  
 16 care in the designing, marketing, promoting, and operating of their platforms, including the duty to  
 17 take all reasonable steps necessary to design, market, promote, and operate their platforms in a way  
 18 that was not unreasonably dangerous to youth.

19 101. At all times relevant to this litigation, Defendants knew or should have known of the  
 20 dangers of Defendants' platforms and, specifically, that their prioritization and creation of harmful  
 21 content, and facilitation of widespread, excessive, and habitual use of their platforms by youth,  
 22 resulted in and continues to result in significant harm to Plaintiff. As such, Defendants have  
 23 breached their duty of care owed to Plaintiff.

24 102. Defendants have breached and continue to breach to their duty of care owed to  
 25 Plaintiff through their actions, business decisions, and policies in the development, setup,  
 26 management, maintenance, operation, marketing, advertising, promotion, supervision, and control of  
 27 their respective platforms.



1           103. Defendants' conduct was so reckless or wanting in care that it constitutes a conscious  
2 disregard or indifference to the life, safety, or rights of persons exposed to such conduct, including  
3 youth in Plaintiff's schools, in that they acted with reckless indifference to the results, or to the rights  
4 or safety of others, because Defendants knew, or a reasonable person or company in Defendants'  
5 position should have known, that Defendants' conduct created an unreasonable risk of harm, and that  
6 the risk was so great that it was highly probable that harm would result. Defendants' gross  
7 negligence caused Plaintiff to suffer harm.

8           104. The gross negligence of Defendants includes, but is not limited to, the following:

9                   (a) designing, marketing, promoting, and/or operating their platforms in a manner  
10 intended to prioritize and create harmful content and maximize the time youth spend on their  
11 respective platforms, despite knowledge of the harms to youth from their wrongful conduct;

12                   (b) manipulating users to keep using or coming back to their platforms through  
13 the use of IVRs;

14                   (c) intentionally marketing their platforms to youths and adolescents, directly  
15 facilitating the widespread, excessive, and habitual use of their platforms among youth; and

16                   (d) knowingly designing and modifying their platforms in ways that promote  
17 excessive and problematic use in ways known to be harmful to children.

18           105. Defendants knew and/or should have known that it was foreseeable that Plaintiff  
19 would suffer injuries as a result of Defendants' failure to exercise ordinary care in the designing,  
20 marketing, promoting, and/or operating of their platforms, particularly when Defendants targeted  
21 youth in Plaintiff's schools.

22           106. As a direct and proximate cause of Defendants' grossly negligent conduct, Plaintiff  
23 has suffered and will continue to suffer harm.

1 107. Defendants' willful, knowing, and reckless conduct therefore warrants an award of  
2 aggravated or punitive damages.

3 **COUNT V**

4 **Fraudulent Misrepresentation and Concealment**  
5 **(Against All Defendants)**

6 108. Plaintiff incorporates by reference each and every allegation in the amended  
7 Complaint in *Broward County School Board v. Meta Platforms, Inc.*, No. 4:23-cv-01061-YGR  
8 (ECF 28).

9 109. At all times relevant to this litigation, each Defendant concealed and intentionally  
10 failed to disclose material facts known to it regarding the dangers of its social media platforms for  
11 youth. Defendants sought to further the public perception about the safety of their social media  
12 platforms for youth by disseminating false statements to Congress and to the public. Any risk  
13 disclosures were substantially understated.

14 110. Each Defendant intended the omission of the concealed facts to deceive Plaintiff.

15 111. Plaintiff was unaware of the concealed facts. Plaintiff, its agents, and the public  
16 justifiably relied on the false information Defendants provided to them, both directly and indirectly,  
17 as Defendants intended. As a result, Plaintiff proceeded under the misapprehension that the youth  
18 mental health crisis was a result of conduct by persons other than Defendants and was prevented  
19 from taking more effective and earlier steps to respond to the youth mental health crisis.

20 112. Had Plaintiff known the truth about the concealed facts, Plaintiff would have taken  
21 other steps to correct the false information and address earlier the youth mental health crisis it faced.

22 113. Each Defendant's failure to disclose information about the true level of danger  
23 presented by Defendants' social media platforms to Plaintiff's students deceived Plaintiff and was a  
24 substantial factor in causing harm to Plaintiff.

114. Plaintiff was damaged due to its justified reliance on each of the Defendants' fraudulent misrepresentations and concealments, which were made with oppression, fraud, or malice.

DATED: March 14, 2024

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